

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL LANDON LUCKERT,

Plaintiff,

v.

J. BRANNON,

Defendant.

No. C 13-4426 EDL (PR)

**ORDER DENYING WITHOUT  
PREJUDICE DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT**

Plaintiff, proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Defendant filed a motion for summary judgment. However, defendant did not issue any *Rand* notice concurrently with his motion for summary judgment. See *Woods v. Carey*, 684 F.3d 934 (9th Cir. 2012) (mandating "fair notice" to pro se prisoner plaintiff of requirements to oppose motions for summary judgment to be given at the time motions are filed), citing *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998) (en banc). Accordingly, defendant's motion is DENIED without prejudice to refiling the motion within fourteen days of the filing date of this order, accompanied by proof of service upon plaintiff of the notice and warning regarding motions for summary judgment as required by *Woods v. Carey*, 684 F.3d 934, 938-40 (9th Cir. 2012). Plaintiff shall file his opposition within twenty-eight days. Defendant shall file a reply fourteen days thereafter.

This order terminates docket number 27.

**IT IS SO ORDERED.**

Dated: JANUARY 26, 2015.

  
ELIZABETH D. LAPORTE  
United States Chief Magistrate Judge

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